

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LISA VERDUSCO,

Plaintiff,

v.

Case Number 09-11607-BC
Honorable Thomas L. Ludington

ST. MARY'S MEDICAL CENTER,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS AND/OR FOR SANCTIONS**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on June 28, 2010. Judge Binder recommends that the Court deny as moot Defendant's motion to dismiss and/or for sanctions because the parties resolved the issue underlying the motion, which was difficulty taking Plaintiff's deposition. As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The decision to not object to the Judge Binder's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the report and recommendation [Dkt # 26] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss and/or for sanctions [Dkt. # 18] is **DENIED AS MOOT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 7, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 7, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS